

106TH CONGRESS
1ST SESSION

S. 729

To ensure that Congress and the public have the right to participate in
the declaration of national monuments on Federal land.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. LOTT, Mr. STEVENS, Mr. BURNS, Mr. SMITH of Oregon, Mr. CRAPO, Mr. SHELBY, Mr. HAGEL, and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To ensure that Congress and the public have the right to
participate in the declaration of national monuments on
Federal land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Monument
5 Public Participation Act of 1999”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to ensure that Congress
8 and the public have the right and opportunity to partici-

1 pate in decisions to declare national monuments on Fed-
 2 eral land.

3 **SEC. 3. CLARIFICATION OF CONGRESSIONAL AND PUBLIC**
 4 **ROLES IN DECLARATION OF NATIONAL**
 5 **MONUMENTS.**

6 The Act entitled “An Act for the preservation of
 7 American antiquities”, approved June 8, 1906 (commonly
 8 known as the “Antiquities Act of 1906”) (16 U.S.C. 431
 9 et seq.), is amended by adding at the end the following:
 10 **“SEC. 5. CONGRESSIONAL AND PUBLIC ROLES IN NA-**
 11 **TIONAL MONUMENT DECLARATIONS.**

12 “(a) IN GENERAL.—The Secretary of the Interior
 13 and the Secretary of Agriculture shall promulgate regula-
 14 tions that establish procedures to ensure that Federal,
 15 State, and local governments and the public have the right
 16 to participate in the formulation of plans relating to the
 17 declaration of a national monument on Federal land on
 18 or after the date of enactment of this section, including
 19 procedures—

20 “(1) to provide the public with adequate notice
 21 and opportunity to comment on and participate in
 22 the declaration of a national monument on Federal
 23 land; and

1 “(2) for public hearings, when appropriate, on
2 the declaration of a national monument on Federal
3 land.

4 “(b) OTHER DUTIES.—Prior to making any rec-
5 ommendations for declaration of a national monument in
6 an area, the Secretary of the Interior and the Secretary
7 of Agriculture shall—

8 “(1) ensure, to the maximum extent prac-
9 ticable, compliance with all applicable Federal land
10 management and environmental laws, including the
11 completion of a programmatic environmental impact
12 statement under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.);

14 “(2) cause mineral surveys to be conducted by
15 the Geological Survey to determine the mineral val-
16 ues, if any, that may be present in the area;

17 “(3) cause an assessment of the surface re-
18 source values of the land to be completed and made
19 available by the appropriate agencies;

20 “(4) identify all existing rights held on Federal
21 land contained within the area by type and acreage;
22 and

23 “(5) identify all State and private land con-
24 tained within the area.

1 “(c) RECOMMENDATIONS.—On completion of the re-
2 views and mineral surveys required under subsection (b),
3 the Secretary of the Interior or the Secretary of Agri-
4 culture shall submit to the President recommendations as
5 to whether any area on Federal land warrants declaration
6 as a national monument.

7 “(d) FEDERAL ACTION.—Any study or recommenda-
8 tion under this section shall be considered a federal action
9 for purposes of the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.).

11 “(e) REPORTS.—Not later than 2 years after the re-
12 ceipt of a recommendation under subsection (c), the Presi-
13 dent shall—

14 “(1) advise the President of the Senate and the
15 Speaker of the House of Representatives of the
16 President’s recommendation with respect to whether
17 each area evaluated should be declared a national
18 monument; and

19 “(2) provide a map and description of the
20 boundaries of each area evaluated for declaration to
21 the President of the Senate and the Speaker of the
22 House of Representatives.

23 “(f) DECLARATION AFTER EFFECTIVE DATE.—A
24 recommendation of the President for declaration of a na-
25 tional monument that is made after the effective date of

- 1 this section shall become effective only if the declaration
- 2 is approved by Act of Congress.”.

